



# BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

## A G E N D A

SEPTEMBER 11, 2006

*Commissioner Joe Ford, Chairman Pro Tempore*  
*Commissioner Joyce Avery*  
*Commissioner Henri Brooks*  
*Commissioner Wyatt Bunker*  
*Commissioner Mike Carpenter*  
*Commissioner Sidney Chism*  
*Commissioner George Flinn*

*Commissioner J.W. Gibson II*  
*Commissioner James Harvey*  
*Commissioner David Lillard*  
*Commissioner Deidre Malone*  
*Commissioner Steve Mulroy*  
*Commissioner Mike Ritz*

2:30 P.M.

COMMISSION CONVENES

CALL TO ORDER

Deputy Sheriff Darren Williams

INVOCATION

Reverend James Johnson  
Magnolia First Baptist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

### Approval of Minutes of Previous Sessions

MALONE  
ADOPTED

August 28, 2006

## R E G U L A R   A G E N D A

CARPENTER  
ADOPTED

1. Resolution electing the Chairman of the Board of County Commissioners of Shelby County, Tennessee, pursuant to Shelby County Charter, Article II, Section 2.08.

GIBSON  
ADOPTED

2. Resolution electing the Chairman Pro Tempore of the Board of County Commissioners of Shelby County, Tennessee, pursuant to Shelby County Charter, Article II, Section 2.08.

## C O N S E N T   A G E N D A

### Resolutions of Memorial, Sympathy and Commendation

### Ordinances

### Zoning and Subdivisions

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| <b>RITZ<br/>ADOPTED<br/>(A-C)</b> | <b>3. Resolution approving various subdivision contracts, plats, extensions, etc., as recommended by the County Engineer.</b> |
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### Reports and/or Resolutions of Standing Committees

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| <b>MALONE<br/>ADOPTED</b> | <b>4. Resolution approving the sale of nine delinquent tax parcels from Tax Sale(s) 0005, 85.1, 94.2, 95.2, 96.1, 96.2, 97.4, 99.1, and 0101 pursuant to the provisions of Tennessee Code Annotated, Section 67-5-2507.</b> |
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| <b>MALONE<br/>ADOPTED</b> | <b>5. Resolution providing for bond amounts and form of surety for the mayor and certain other appointed county officials.</b> |
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| <b>MALONE<br/>ADOPTED</b> | <b>6. Resolution to authorize Shelby County Government to accept and expend \$5,000.00 in grant funds from the State of Tennessee Arts Commission and to amend the 2006/2007 Operating Budget.</b> |
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| <b>MALONE<br/>ADOPTED</b> | <b>7. Resolution to amend the contract with Business Information systems to appropriate Special Revenue Funds in the amount of \$94,000.00 for equipment maintenance and programming.</b> |
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| <b>MALONE<br/>ADOPTED</b> | <b>8. Resolution to receive and file the Trustee's annual financial report for the year ended June 30, 2006, in accordance with Tennessee Code Annotated, Section 67-5-1902.</b> |
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| <b>AVERY<br/>ADOPTED</b> | <b>9. Resolution approving an amendment to the contract between Shelby County Government and the Regional Medical Center for emergency medical and psychiatric assessment and detoxification services to indigent individuals.</b> |
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| <b>AVERY<br/>ADOPTED</b> | <b>10. Resolution transferring the amount of \$175,000.00 in DUI fines from the Restricted Account to Outside Contracts in the Clinical Services Department for the purpose of funding substance abuse treatment activities at the Regional Medical Center, and amending the FY 2007 Operating Budget.</b> |
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| <b>CHISM<br/>ADOPTED</b> | <b>11. Resolution designating the Crime Victim's Center as the program that shall receive the Victim's Assistance Assessment Fee as authorized by Tennessee Code Annotated, Section 40-24-109 and as established and</b> |
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implemented by Resolution No. 28 adopted June 12, 2006.

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| <b>CHISM<br/>ADOPTED</b>  | <b>12. Resolution amending the FY 2006/2007 Operating Budget of the Division of Corrections in the amount of \$20,000.00 in order to carry forward unexpended grant funds.</b>  |
| <b>CHISM<br/>ADOPTED</b>  | <b>13. Resolution approving expenditure of funds to Shapiro Uniforms in the amount of \$275,000.00 for the purchase of various items of clothing and apparel for the Sheriff's Office, Deputy Sheriffs, for FY 2006/2007.</b>   |
| <b>CHISM<br/>ADOPTED</b>  | <b>14. Resolution amending the FY 2006/2007 Byrne Grant Budget of the Office of the District Attorney General for the West Tennessee Violent Crime and Drug Task Force to permit the transfer of funds from Operations and Maintenance to Personnel expenditures.</b>                   |
| <b>RITZ<br/>ADOPTED</b>   | <b>15. Resolution approving a contract amendment between Shelby County Government and Kimley-Horn and Associates, Inc., for the purpose of conducting air quality conformity analysis for the Memphis Metropolitan Planning Organization in the amount of \$108,580.00.</b>             |
| <b>FLINN<br/>ADOPTED</b>  | <b>16. Resolution to approve Lease Agreement Addendum with 100 N. Main Building for office space known as Suites 1300, 1326 and 1327 for the Community Services Agency and appropriating funds in the amount of \$57,390.00.</b>  |
| <b>FLINN<br/>ADOPTED</b>  | <b>17. Resolution to approve Lease Agreement Addendum with 100 N. Main Building for office space known as Suite 1301 for the Community Services Agency and appropriating funds in the amount of \$17,838.00.</b>  |
| <b>FLINN<br/>ADOPTED</b>  | <b>18. Resolution to authorize the Shelby County Community Services Agency to accept and expend \$1,346.63 from the Community Foundation of Middle Tennessee, Governor's Initiative "Operation Warm Homes Tennessee" Grant and to amend the Shelby County FY 2007 Operating Budget.</b> |
| <b>GIBSON<br/>ADOPTED</b> | <b>19. Resolution rescinding previously approved resolution approving Homestead Program transfer of properties and reassigning properties to the Real Estate Office for sale.</b>   |
| <b>FLINN<br/>ADOPTED</b>  | <b>CONSENT AGENDA</b>   |

## REGULAR AGENDA

### Elections, Appointments, and Confirmations

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| <b>BROOKS<br/>ADOPTED</b> | 20. | Resolution approving commissioners to the respective standing committees and delinquent tax parcel committee for 2006/2007.  |
| <b>BROOKS<br/>ADOPTED</b> | 21. | Resolution approving Commissioner Joyce Avery to serve as the commission representative on the sponsoring government's board for the <i>Aging Commission of the Mid South</i> .  |
| <b>BROOKS<br/>ADOPTED</b> | 22. | Resolution approving the appointment of Commissioner George S. Flinn to the Shelby County <i>Agricenter Commission</i> .   |
| <b>BROOKS<br/>ADOPTED</b> | 23. | Resolution approving the appointment of Commissioner Joyce Avery, Commissioner Wyatt Bunker and Commissioner Mike Carpenter to the Shelby County <i>Agricultural Extension Committee</i> .   |
| <b>BROOKS<br/>ADOPTED</b> | 24. | Resolution approving the appointment of Commissioner J.W. Gibson, II, and Commissioner Mike Ritz to the <i>Center City Commission</i> .  |
| <b>BROOKS<br/>ADOPTED</b> | 25. | Resolution approving the appointment of Commissioner Wyatt Bunker to the Board of <i>Chickasaw Basin Authority</i> .   |
| <b>BROOKS<br/>ADOPTED</b> | 26. | Resolution approving Commissioner Mike Carpenter in the place and stead of the Chairman and Commissioner James M. Harvey to serve on the <i>Convention Center Commission</i> .   |
| <b>BROOKS<br/>ADOPTED</b> | 27. | Resolution appointing Commissioner Sidney Chism and Commissioner Steve Mulroy to serve as designated representatives on the <i>Pilot Evaluation Committee</i> of the Memphis and Shelby County <i>Industrial Development Board</i> . |
| <b>RITZ<br/>ADOPTED</b>   | 28. | Resolution approving the appointment of Commissioner Henri E. Brooks to the Shelby County <i>Public Records Commission</i> .   |
| <b>BROOKS<br/>ADOPTED</b> | 29. | Resolution approving the appointment of County Commissioner Deidre Malone and Commissioner David Lillard to serve in place and stead of the Chairman on the Shelby County <i>Retirement Board</i> .                                  |

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| <b>BROOKS<br/>ADOPTED</b> | <b>30. Resolution approving John Fowlkes, Jr., as <i>Chief Administrative Officer</i> of Shelby County, Tennessee.</b>   |
| <b>BROOKS<br/>ADOPTED</b> | <b>31. Resolution approving Brian Kuhn as <i>County Attorney</i> of Shelby County, Tennessee.</b>  |
| <b>BROOKS<br/>ADOPTED</b> | <b>32. Resolution approving Patricia A. Odell as <i>Divorce Referee</i> of Shelby County, Tennessee.</b>   |
| <b>BROOKS<br/>ADOPTED</b> | <b>33. Resolution approving Robert Jones as <i>Chief Public Defender</i> of Shelby County, Tennessee.</b>  |
| <b>BROOKS<br/>ADOPTED</b> | <b>34. Resolution approving Jim Huntzicker as <i>Director of Administration and Finance</i> of Shelby County, Tennessee.</b>   |
| <b>BROOKS<br/>ADOPTED</b> | <b>35. Resolution approving Andrew Taber, Jr., as <i>Director of Corrections</i> of Shelby County, Tennessee.</b>  |
| <b>BROOKS<br/>ADOPTED</b> | <b>36. Resolution approving Yvonne Smith Madlock as <i>Director of Health Services</i> of Shelby County, Tennessee.</b>  |
| <b>BROOKS<br/>ADOPTED</b> | <b>37. Resolution approving Richard S. Copeland as <i>Director of Planning and Development</i> of Shelby County, Tennessee.</b>  |
| <b>BROOKS<br/>ADOPTED</b> | <b>38. Resolution approving Ted Fox as <i>Director of Public Works</i> of Shelby County, Tennessee.</b>  |
| <b>BROOKS<br/>ADOPTED</b> | <b>39. Resolution appointing staff members to the Shelby County Board of Commissioners pursuant to Shelby County Charter, Article II, Section 2.02 (A).</b>              |
| <b>BROOKS<br/>ADOPTED</b> | <b>40. Resolution appointing the Administrator, Deputy Administrator and Administrative Aid of the Equal Opportunity Compliance Office for Shelby County Government.</b> |

**Ordinances**

**Zoning and Subdivisions**

**RITZ  
ADOPTED**

**41. CASE NO. Z 05-112 CC (RECONSIDERATION)**

**APPLICANT: Patton & Price**

**LOCATION: Southwest corner of Billy Maher Road  
and Rennslaer Drive**

**REQUEST: Taking property out of the Agricultural  
(A-G) and Single Family Residential (R-  
S10) Use Districts and including it in  
Single Family Residential (R-S8) Use  
District**

**Memphis and Shelby County Office of Planning and  
Development recommendation:  
APPROVAL**

**Memphis and Shelby County Land Use Control Board  
recommendation:  
APPROVAL**

**(Notice of public hearing republished in the Daily News  
on Friday, September 1, 2006.)**

**RITZ  
ADOPTED**

**42. CASE NO. SUP 06-207 CC**

**APPLICANT: SBA Communications Corp.**

**LOCATION: South side of Highway 70; +/-90 feet  
east of Brunswick Farms Road**

**REQUEST: Increase in height of one CMCS ("cell")  
tower from 150 feet to 153 feet to  
accommodate an additional carrier.**

**Memphis and Shelby County Office of Planning and  
Development recommendation:  
APPROVAL WITH CONDITIONS**

**Memphis and Shelby County Land Use Control Board  
recommendation:  
APPROVAL**

**(No notice of public hearing or notice letters to  
interested property owners required since there was no  
opposition at the Land Use Control Board.)**

**RITZ  
ADOPTED**

**43. CASE NO. SUP 06-213 CC**

**APPLICANT: Memorial Park, Inc.**

**LOCATION: West side of Hacks Cross Road; +/-  
1,400 feet north of Stateline Road**

**REQUEST: Permit for cemetery**

**Memphis and Shelby County Office of Planning and  
Development recommendation:  
APPROVAL WITH CONDITIONS**

**Memphis and Shelby County Land Use Control Board  
recommendation:**

## APPROVAL

(No notice of public hearing or notice letters to interested property owners required since there was no opposition at the Land Use Control Board.)

### Reports and/or Resolutions for Standing Committees

HARVEY  
(DEFERRED  
TO 09/25/06)

44. Resolution approving retainage of a law firm for the purpose of initiating litigation against PC Sports, M.A. Mortenson Company, and/or Ellerbe Becket.

BROOKS  
ADOPTED

45. Resolution receiving and filing oaths and bonds for the officials of Shelby County Government.

### Announcements/Statements

46. Notifications from county mayor of various appointments, reappointments to boards, commissions, and offices of Shelby County Government.
- a. Resolution approving the county mayor's nomination of Gene Holcomb and Darrell K. Thomas for reappointment to the Shelby County *Healthcare Corporation*.

### Adjournment

FLINN  
ADOPTED

47. Resolution of Adjournment to Monday, September 25, 2006 at 2:30 p.m.

[If you have any questions about this agenda, please call Steve Summerall, Chief Administrator, at 545-4301]